IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

COMPANY PETITION NO.700 OF 1987

M/s. Kothari Trading Co. ..Petitioner.

Vs.

M/s. Modern Mills Ltd. ..Respondent.

...

Mr. H.S. Doctor i/b Kanga & Co. for the Petitioner.
None for the Respondent.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

25th April, 2007.

P.C. :

Having regard to the provisions of Section 22 of the Sick Industrial Companies (Special Provisions) Act, 1985 the Company Petition could not have been filed in the first instance. The Court has been informed on behalf of the company that the a reference was registered by the B.I. F.R. On 23rd September, 1987 and an affidavit to that effect has been filed. The Company Petition was lodged on 13th November, 1987. In these circumstances, having regard to the provisions of Section 22, the Company Petition could not lie in the first

instance. The Company Petition is accordingly dismissed leaving it open to the Petitioner to take recourse to such remedies as are available in law.